IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 8356 of 2007(T)

Original Petition(ELE).28/2005 of MUNSIFF COURT, MANJERI

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PETITIONER:

PAKKADAN SULAIMAN, S/O MUHAMMED,
KARUVARAKUNDU AMSOM,
CHERAMB DESOM, P.O.KUTTATHI.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

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1. PULIYAKUNNAN NAZAR, S/O ABU HAJI,
KARUVARAKUNDU AMSOM, CHERAMB DESOM,
P.O.KUTTATHI, MALAPPURAM DISTRICT.

2. THEKKETHIL SALAM, S/O MUHAMMED,
KARUVARAKUNDU AMSOM,
CHERAMB DESOM, P.O.KUTTATHI,
MALAPPURAM DISTRICT.

3. RETURNING OFFICER G 21,
KARUVARAKUNDU GRAMA PANCHAYAT,
CHERAMB DESOM, P.O.KUTTATHI,
MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.SHAIJON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.8356 OF 2007

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Dated this the 13th day of March 2007

JUDGMENT

Heard counsel for the petitioner and the caveator.

2. Petitioner is the elected candidate of ward no.1 of Karuvarakundu Grama Panchayat in the election conducted on 26.9.05. It is submitted that the entire election records are produced before court pursuant to the order on I.A.275/07. The petitioner filed I.A.307/07 in the court below seeking for an order for inspection of the records before adducing oral evidence on his side. The court below, vide Ext.P6 order, has refused such perusal holding that if the evidence on record is not at all sufficient to arrive at a finding, then only the sealed covers need be opened to remove the doubts and ambiguities and that before adducing evidence by both sides, court cannot pass any order in anticipation of its final verdict. According to the court below, only when the court comes to the conclusion that it is necessary and imperative to grant the prayer for inspection to do full justice between parties and effectually adjudicate upon the dispute, records produced can be allowed to be taken out from

the sealed covers. The grounds on which the court below has dismissed I.A.307/07 filed by the petitioner vide Ext.P6 order cannot be faulted. There is no merit in this writ petition.

In the result, I dismiss this writ petition.

K.P.BALACHANDRAN, JUDGE

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